

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEEDHAM & COMPANY, LLC,

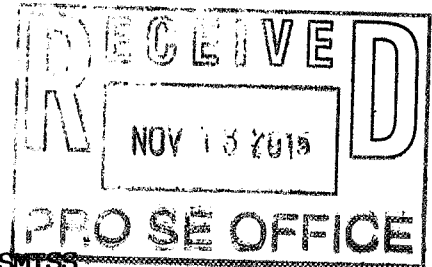
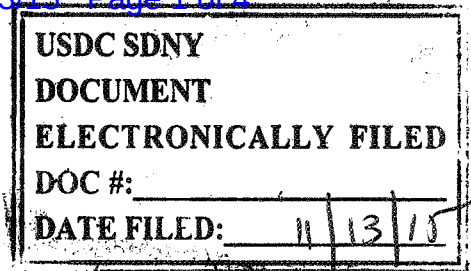
Plaintiff,

v.

ACCESS STAFFING, LLC, STEVE WEBER,
MICHAEL WEINSTEIN, JOSEPH TURANO,
and GLEN ALBANESE,

Defendants.

Case No.: 1:15-cv-2487 (NRB)

DEFENDANT GLEN ALBANESE'S MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT

COMES NOW the Defendant, Glen Albanese ("Albanese"), proceeding pro se, and respectfully submits this Motion to Dismiss the Plaintiff's Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Civ. P. 12(b)(5) with prejudice. In support hereof, Albanese respectfully represents as follows:

1. On or about April 1, 2015, the Plaintiff filed a Complaint against Albanese, Access Staffing, LLC ("Access"), Steve Weber ("Weber"), Michael Weinstein ("Weinstein") and Joseph Turano ("Turano") (collectively, the "Defendants").

2. On or about September 25, 2015, the Plaintiff filed an Amended Complaint against the Defendants. As of the date hereof, Plaintiff has failed to serve Albanese with a copy of said Amended Complaint.

3. On or about October 27, 2015, Albanese received a copy of Defendant Turano's Memorandum of Law in support of his Motion to Dismiss Plaintiff's Amended Complaint via first class mail. Upon reviewing said Memorandum, Albanese became aware of the Amended Complaint for the first time as it was attached thereto as an exhibit.

4. On or about October 29, 2015, Albanese received a copy of Defendants Access', Weber's and Weinstein's Memorandum of Law in support of their Motion

to Dismiss via first class mail.

5. Albanese is currently incarcerated at FCI Fort Dix in Fort Dix, New Jersey. Albanese has yet to retain counsel in connection with this matter due to limited financial resources. However, Albanese's arguments in support of his Motion to Dismiss Plaintiff's Amended Complaint are substantively identical to the arguments included in the other Defendants' Memorandums of Law in support of their Motions to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6). Thus, Albanese hereby joins in the Motion to Dismiss of Access, Weber and Weinstein and the Motion to Dismiss of Turano and hereby adopts and incorporates all arguments as set forth in their Motions and Memorandums as if fully set forth herein.

6. In addition to the arguments incorporated from the other Defendant's Motions to Dismiss, Albanese asserts an additional ground for dismissal of the Amended Complaint for failure of service of process pursuant to Fed. R. Civ. P. 12(b)(5).

WHEREFORE, Albanese respectfully requests that this Honorable Court dismiss the Plaintiff's Amended Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(6) for the reasons stated herein and dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(5) for insufficient service of process and to grant such other and further relief that this Court deems just and proper.

Respectfully Submitted,



Glen Albanese
Defendant

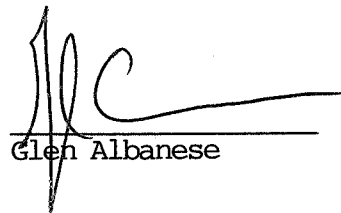
CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2015, I served a copy of Defendant Glen Albanese's Motion to Dismiss Plaintiff's Complaint and Amended Complaint via first class mail, postage prepaid, to the following parties:

Henry Bergman, Esq.
Moses & Singer LLP
405 Lexington Avenue
New York, NY 10174
Counsel for Access Staffing, LLC,
Michael Weinstein and Steve Weber

Joseph Tacopina, Esq.
Tacopina & Seigel
275 Madison Avenue
Floor 35
New York, NY 10016
Counsel for Joseph Turano

Matthew G. Coogan, Esq.
Lankler Siffert & Wohl LLP
500 Fifth Avenue
New York, NY 10110
Counsel for Plaintiff



Glen Albanese

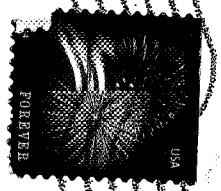
Glen Albanese
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ICE
FEDERAL CORRECTIONAL INSTITUTION
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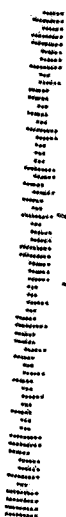
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Clerk of the Court
United States District Court
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New York, NY 10007

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